

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Case No.: 2:17-cr-00102-APG-VCF

Plaintiff,

ORDER DENYING MOTION FOR COMPASSIONATE RELEASE

V.

Danny Hamamoto,

Defendant.

[ECF No. 53]

8 Defendant Danny Hamamoto filed a one-sentence motion requesting “Compassionate
9 Release from his term of imprisonment, based in part on his age, and in part on his health.” ECF
10 No. 53. He provides no information regarding either factor or why he qualifies for
11 compassionate release under 18 U.S.C. § 3582(c)(1)(A). Nor has Hamamoto shown that he has
12 exhausted his administrative remedies.

13 The compassionate release statute authorizes courts to reduce a defendant's prison term
14 only "after the defendant has fully exhausted all administrative rights to appeal a failure of the
15 Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the
16 receipt of such a request by the warden of the defendant's facility, whichever is earlier . . ." 18
17 U.S.C. § 3582(c)(1)(A). Because Hamamoto apparently has not exhausted his administrative
18 remedies through the Bureau of Prisons, I do not have authority to entertain his motion at this
19 time.

Once he has exhausted his administrative remedies, Hamamoto must satisfy the factors set forth in 18 U.S.C. § 3582(c)(1)(A). That statute allows courts to reduce a sentence based on “extraordinary and compelling reasons.” The court must consider the factors in 18 U.S.C. § 3553(a) “to the extent that they are applicable,” and any sentence reduction must be “consistent

1 with applicable policy statements issued by the Sentencing Commission,” including the
2 requirement that the defendant “is not a danger to the safety of any other person or to the
3 community.” 18 U.S.C. § 3582(c)(1)(A) (referring to U.S.S.G. § 1B1.13(2)). If Hamamoto
4 chooses to file another motion after exhausting his administrative remedies, he should address
5 these factors in his motion, and provide supporting documentation.

6 I THEREFORE DENY Mr. Hamamoto’s motion (ECF No. 53) without prejudice. If he
7 exhausts his administrative remedies and has not received the relief he requests, he may file a
8 new motion.

9 Dated: October 25, 2022.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE

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